

responses, and execute responses to Interrogatories. Defendant, a governmental agency, has also gathered facts and documents, and formulated responses, while coordinating efforts of various agencies and individuals, many of whom are no longer employed by the Defendant.

4. Due to these required efforts, the Parties agreed to a rolling production of written discovery responses and documents. Plaintiffs provided extensive written discovery responses and collections of documents, all of which also required review by Defendant. In addition to providing written discovery responses, Defendant produced over 150,000 pages of documents and multiple days-worth of audio recordings, which also required review by Plaintiffs. Plaintiffs also received a significant amount of materials from third parties who were subpoenaed.

5. Importantly, discovery efforts have been hampered by events outside the control of the Parties. For several months in 2019, Defendant's efforts were hampered and discovery was delayed by the well-publicized ransomware attack on the City of Baltimore, which left Defendant's counsel without access to e-mails, calendars, and files for a prolonged period of time. Additionally, while the Parties had begun taking depositions, the progression of taking depositions was delayed by the failure of one deponent to appear on two occasions for his depositions, and the resulting motions practice that followed. *See* ECF Nos. 98 – 100, 102, 108 – 109.

6. Issues related to the covid-19 pandemic have further delayed the Parties' attempts to complete depositions. Under the Order setting forth this Court's Covid-19 Pandemic Procedures and entered by this Court on April 10, 2020, discovery in civil cases was permitted to proceed as scheduled, "provided that all parties agree to continue with discovery, and that the conduct of discovery does not involve conduct by counsel or the parties that would contravene public health orders or directives issued in response to the COVID-19 pandemic."

7. Initially, all Parties agreed that depositions should not proceed, and that conducting depositions would, among other things, contravene social distancing guidelines and other public health orders and directives issued to ensure the safety of the public. Indeed, at that time, conducting depositions would have required third-party process servers to personally serve deponents – many of whom are third parties – and arrange for depositions that would require deponents, counsel for the parties, court reporters, videographers, and potentially interpreters to attend in person and in close physical proximity. The Parties agreed that remote video depositions were not practicable at that time. Additionally, Baltimore City offices were (and still are) closed, further complicating matters.

8. The Parties now wish to move forward and complete taking depositions – by taking remote depositions in some cases and in-person depositions with appropriate precautions taken (e.g., plexiglass barriers) in others – and request more time to do so. Many of those the Parties wish to depose are no longer employed by the City, the Baltimore City Police Department, and/or the State. As such, locating these persons and scheduling depositions is taking more time than previously expected. At least one deposition may have to be taken in another State, and Plaintiffs have been engaging in good-faith discussions regarding disputes over another third-party deposition they would like to take. Importantly, as noted above, there are nearly seventy Plaintiffs in this action.

9. Accordingly, for the foregoing reasons, the Parties jointly request that this Court extend the deadlines in the Scheduling Order as follows:

Discovery Deadline; Submission of Status Report: February 2, 2021

Request for Admission: February 9, 2021

Dispositive Pretrial Motions Deadline: March 3, 2021

Date: September 30, 2020

Respectfully submitted,

/s/ Peter K. Hwang

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b)(2)(D) and the Local Rules, I hereby certify that a copy of the foregoing was served via the Court's ECF system, this 30th day of September 2020 on:

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